

1 AN ACT concerning unemployment insurance.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Section 409 as follows:

6 (820 ILCS 405/409) (from Ch. 48, par. 409)

7 Sec. 409. Extended Benefits.

8 A. For the purposes of this Section:

9 1. "Extended benefit period" means a period which
10 begins with the third week after a week for which there
11 is a State "on" indicator; and ends with either of the
12 following weeks, whichever occurs later: (1) the third
13 week after the first week for which there is a State
14 "off" indicator, or (2) the thirteenth consecutive week
15 of such period. No extended benefit period shall begin
16 by reason of a State "on" indicator before the fourteenth
17 week following the end of a prior extended benefit
18 period.

19 2. There is a "State 'on' indicator" for a week:

20 (a) if the Director determines, in accordance
21 with the regulations of the United States Secretary
22 of Labor or other appropriate Federal agency, that
23 for the period consisting of such week and the
24 immediately preceding twelve weeks, the rate of
25 insured unemployment (not seasonally adjusted) in
26 this State ~~{a} equaled or exceeded 4% and equaled or~~
27 ~~exceeded 120% of the average of such rates for the~~
28 ~~corresponding 13-week period ending in each of the~~
29 ~~preceding two calendar years, or (b) equaled or~~
30 ~~exceeded 5% for weeks beginning after September 25,~~
31 1982 (1) equaled or exceeded 5% and equaled or

1 exceeded 120% of the average of such rates for the
 2 corresponding 13-week period ending in each of the
 3 preceding 2 calendar years, or (2) equaled or
 4 exceeded 6 percent; or

5 (b) if the United States Secretary of Labor
 6 determines that (1) the average rate of total
 7 unemployment in this State (seasonally adjusted) for
 8 the period of the most recent 3 months for which
 9 data for all states are published before the close
 10 of the week equals or exceeds 6.5%, and (2) the
 11 average rate of total unemployment in this State
 12 (seasonally adjusted) for the 3-month period
 13 referred to in clause (1) equals or exceeds 110% of
 14 the average for either (or both) of the
 15 corresponding 3-month periods ending in the 2
 16 preceding calendar years.

17 3. There is a "State 'off' indicator" for a week:

18 (a) if the Director determines, in accordance
 19 with the regulations of the United States Secretary
 20 of Labor or other appropriate Federal agency, that
 21 for the period consisting of such week and the
 22 immediately preceding twelve weeks, the rate of
 23 insured unemployment (not seasonally adjusted) in
 24 this State (a)--was-less-than-5%-and-was-less-than
 25 120%--of--the--average--of--such---rates---for---the
 26 corresponding--13-week--period--ending--in--each--of--the
 27 preceding-2-calendar-years,--or--(b)--was-less-than-4%;
 28 and-for-weeks-beginning-after--September--25,--1982,
 29 (1) was less than 6% and less than 120% of the
 30 average of such rates for the corresponding 13-week
 31 period ending in each of the preceding 2 calendar
 32 years, or (2) was less than 5%; and

33 (b) if the United States Secretary of Labor
 34 determines that (1) the average rate of total

1 unemployment in this State (seasonally adjusted) for
2 the period of the most recent 3 months for which
3 data for all states are published before the close
4 of the week was less than 6.5%, or (2) the average
5 rate of total unemployment in this State (seasonally
6 adjusted) for the 3-month period referred to in
7 clause (1) is less than 110% of the average for both
8 of the corresponding 3-month periods ending in the 2
9 preceding calendar years.

10 4. "Rate of insured unemployment", for the purpose
11 of paragraphs 2 and 3, means the percentage derived by
12 dividing (a) the average weekly number of individuals
13 filing claims for "regular benefits" in this State for
14 weeks of unemployment with respect to the most recent 13
15 consecutive week period, as determined by the Director on
16 the basis of his reports to the United States Secretary
17 of Labor or other appropriate Federal agency, by (b) the
18 average monthly employment covered under this Act for the
19 first four of the most recent six completed calendar
20 quarters ending before the close of such 13-week period.

21 5. "Regular benefits" means benefits, other than
22 extended benefits and additional benefits, payable to an
23 individual (including dependents' allowances) under this
24 Act or under any other State unemployment compensation
25 law (including benefits payable to Federal civilian
26 employees and ex-servicemen pursuant to 5 U.S.C. chapter
27 85).

28 6. "Extended benefits" means benefits (including
29 benefits payable to Federal civilian employees and
30 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to
31 an individual under the provisions of this Section for
32 weeks which begin in his eligibility period.

33 7. "Additional benefits" means benefits totally
34 financed by a State and payable to exhaustees (as defined

1 in subsection C) by reason of conditions of high
2 unemployment or by reason of other specified factors. If
3 an individual is eligible to receive extended benefits
4 under the provisions of this Section and is eligible to
5 receive additional benefits with respect to the same week
6 under the law of another State, he may elect to claim
7 either extended benefits or additional benefits with
8 respect to the week.

9 8. "Eligibility period" means the period consisting
10 of the weeks in an individual's benefit year which begin
11 in an extended benefit period and, if his benefit year
12 ends within such extended benefit period, any weeks
13 thereafter which begin in such period.

14 9. Notwithstanding any of the provisions of
15 Sections 1404, 1405B, and 1501, no employer shall be
16 liable for payments in lieu of contributions, and wages
17 shall not become benefit wages, by reason of the payment
18 of extended benefits which are wholly reimbursed to this
19 State by the Federal Government. With respect to
20 extended benefits, paid prior to July 1, 1989, wages
21 shall become benefit wages under Section 1501 only when
22 an individual is first paid such benefits with respect to
23 his eligibility period which are not wholly reimbursed to
24 this State by the Federal Government. Extended benefits,
25 paid on or after July 1, 1989, shall become benefit
26 charges under Section 1501.1 only when any individual is
27 paid such benefits with respect to his eligibility period
28 which are not wholly reimbursed by the Federal
29 Government.

30 B. An individual shall be eligible to receive extended
31 benefits pursuant to this Section for any week which begins
32 in his eligibility period if, with respect to such week (1)
33 he has been paid wages for insured work during his base
34 period equal to at least 1 1/2 times the wages paid in that

1 calendar quarter of his base period in which such wages were
2 highest, provided that this provision applies only with
3 respect to weeks beginning after September 25, 1982; (2) he
4 has met the requirements of Section 500E of this Act; (3) he
5 is an exhaustee; and (4) except when the result would be
6 inconsistent with the provisions of this Section, he has
7 satisfied the requirements of this Act for the receipt of
8 regular benefits.

9 C. An individual is an exhaustee with respect to a week
10 which begins in his eligibility period if:

11 1. Prior to such week (a) he has received, with
12 respect to his current benefit year that includes such
13 week, the maximum total amount of benefits to which he
14 was entitled under the provisions of Section 403B, and
15 all of the regular benefits (including dependents'
16 allowances) to which he had entitlement (if any) on the
17 basis of wages or employment under any other State
18 unemployment compensation law; or (b) he has received all
19 the regular benefits available to him with respect to his
20 current benefit year that includes such week, under this
21 Act and under any other State unemployment compensation
22 law, after a cancellation of some or all of his wage
23 credits or the partial or total reduction of his regular
24 benefit rights; or (c) his benefit year terminated, and
25 he cannot meet the qualifying wage requirements of
26 Section 500E of this Act or the qualifying wage or
27 employment requirements of any other State unemployment
28 compensation law to establish a new benefit year which
29 would include such week or, having established a new
30 benefit year that includes such week, he is ineligible
31 for regular benefits by reason of Section 607 of this Act
32 or a like provision of any other State unemployment
33 compensation law; and

34 2. For such week (a) he has no right to benefits or

1 allowances, as the case may be, under the Railroad
2 Unemployment Insurance Act, or such other Federal laws as
3 are specified in regulations of the United States
4 Secretary of Labor or other appropriate Federal agency;
5 and (b) he has not received and is not seeking benefits
6 under the unemployment compensation law of Canada, except
7 that if he is seeking such benefits and the appropriate
8 agency finally determines that he is not entitled to
9 benefits under such law, this clause shall not apply.

10 3. For the purposes of clauses (a) and (b) of
11 paragraph 1 of this subsection, an individual shall be
12 deemed to have received, with respect to his current
13 benefit year, the maximum total amount of benefits to
14 which he was entitled or all of the regular benefits to
15 which he had entitlement, or all of the regular benefits
16 available to him, as the case may be, even though (a) as
17 a result of a pending reconsideration or appeal with
18 respect to the "finding" defined in Section 701, or of a
19 pending appeal with respect to wages or employment or
20 both under any other State unemployment compensation law,
21 he may subsequently be determined to be entitled to more
22 regular benefits; or (b) by reason of a seasonality
23 provision in a State unemployment compensation law which
24 establishes the weeks of the year for which regular
25 benefits may be paid to individuals on the basis of wages
26 in seasonal employment he may be entitled to regular
27 benefits for future weeks but such benefits are not
28 payable with respect to the week for which he is claiming
29 extended benefits, provided that he is otherwise an
30 exhaustee under the provisions of this subsection with
31 respect to his rights to regular benefits, under such
32 seasonality provision, during the portion of the year in
33 which that week occurs; or (c) having established a
34 benefit year, no regular benefits are payable to him with

1 respect to such year because his wage credits were
2 cancelled or his rights to regular benefits were totally
3 reduced by reason of the application of a
4 disqualification provision of a State unemployment
5 compensation law.

6 D. 1. The provisions of Section 607 and the waiting
7 period requirements of Section 500D shall not be
8 applicable to any week with respect to which benefits are
9 otherwise payable under this Section.

10 2. An individual shall not cease to be an exhaustee
11 with respect to any week solely because he meets the
12 qualifying wage requirements of Section 500E for a part
13 of such week.

14 3. For the purposes of this Section, the "base
15 period" referred to in Sections 601 and 602 shall be the
16 base period with respect to the benefit year in which the
17 individual's eligibility period begins.

18 E. With respect to any week which begins in his
19 eligibility period, an exhaustee's "weekly extended benefit
20 amount" shall be the same as his weekly benefit amount during
21 his benefit year which includes such week or, if such week is
22 not in a benefit year, during his applicable benefit year, as
23 defined in regulations issued by the United States Secretary
24 of Labor or other appropriate Federal agency. If the
25 exhaustee had more than one weekly benefit amount during his
26 benefit year, his weekly extended benefit amount with respect
27 to such week shall be the latest of such weekly benefit
28 amounts.

29 F. An eligible exhaustee shall be entitled, during any
30 eligibility period, to a maximum total amount of extended
31 benefits equal to the lesser of the following amounts:

32 1. Fifty percent of the maximum total amount of
33 benefits to which he was entitled under Section 403B
34 during his applicable benefit year; or

1 2. Thirteen times his weekly extended benefit
2 amount as determined under subsection E.

3 2.1. Effective with respect to weeks beginning in a
4 high unemployment period, this subsection F shall be
5 applied by substituting "eighty" for "fifty" in paragraph
6 1 and "twenty" for "thirteen" in paragraph 2. For
7 purposes of this paragraph, the term "high unemployment
8 period" means any period during which an extended benefit
9 period would be in effect if paragraph 2 of subsection A
10 were applied by substituting "8%" for "6.5%".

11 3. Notwithstanding subparagraphs 1, and 2, and 2.1
12 of this subsection F, and if the benefit year of an
13 individual ends within an extended benefit period, the
14 remaining balance of extended benefits that the
15 individual would, but for this subsection F, be otherwise
16 entitled to receive in that extended benefit period, for
17 weeks of unemployment beginning after the end of the
18 benefit year, shall be reduced (but not below zero) by
19 the product of the number of weeks for which the
20 individual received any amounts as trade readjustment
21 allowances as defined in the federal Trade Act of 1974
22 within that benefit year multiplied by his weekly benefit
23 amount for extended benefits.

24 G. 1. A claims adjudicator shall examine the first claim
25 filed by an individual with respect to his eligibility
26 period and, on the basis of the information in his
27 possession, shall make an "extended benefits finding".
28 Such finding shall state whether or not the individual
29 has met the requirement of subsection B(1), is an
30 exhaustee and, if he is, his weekly extended benefit
31 amount and the maximum total amount of extended benefits
32 to which he is entitled. The claims adjudicator shall
33 promptly notify the individual of his "extended benefits
34 finding", and shall promptly notify the individual's most

1 recent employing unit, with respect to benefit years
2 beginning on or after July 1, 1989 and the individual's
3 last employer (referred to in Section 1502.1) that the
4 individual has filed a claim for extended benefits. The
5 claims adjudicator may reconsider his "extended benefits
6 finding" at any time within one year after the close of
7 the individual's eligibility period, and shall promptly
8 notify the individual of such reconsidered finding. All
9 of the provisions of this Act applicable to reviews from
10 findings or reconsidered findings made pursuant to
11 Sections 701 and 703 which are not inconsistent with the
12 provisions of this subsection shall be applicable to
13 reviews from extended benefits findings and reconsidered
14 extended benefits findings.

15 2. If, pursuant to the reconsideration or appeal
16 with respect to a "finding", referred to in paragraph 3
17 of subsection C, an exhaustee is found to be entitled to
18 more regular benefits and, by reason thereof, is entitled
19 to more extended benefits, the claims adjudicator shall
20 make a reconsidered extended benefits finding and shall
21 promptly notify the exhaustee thereof.

22 H. Whenever an extended benefit period is to begin in
23 this State because there is a State "on" indicator, or
24 whenever an extended benefit period is to end in this State
25 because there is a State "off" indicator, the Director shall
26 make an appropriate public announcement.

27 I. Computations required by the provisions of paragraph
28 6 of subsection A shall be made by the Director in accordance
29 with regulations prescribed by the United States Secretary of
30 Labor, or other appropriate Federal agency.

31 J. 1. Interstate Benefit Payment Plan means the plan
32 approved by the Interstate Conference of Employment
33 Security Agencies under which benefits shall be payable
34 to unemployed individuals absent from the state (or

1 states) in which benefit credits have been accumulated.

2 2. An individual who commutes from his state of
3 residence to work in another state and continues to
4 reside in such state of residence while filing his claim
5 for unemployment insurance under this Section of the Act
6 shall not be considered filing a claim under the
7 Interstate Benefit Payment Plan so long as he files his
8 claim in and continues to report to the employment office
9 under the regulations applicable to intrastate claimants
10 in the state in which he was so employed.

11 3. "State" when used in this subsection includes
12 States of the United States of America, the District of
13 Columbia, Puerto Rico and the Virgin Islands. For
14 purposes of this subsection, the term "state" shall also
15 be construed to include Canada.

16 4. Notwithstanding any other provision of this Act,
17 effective with weeks beginning on or after June 1, 1981
18 an individual shall be eligible for a maximum of 2 weeks
19 of benefits payable under this Section after he files his
20 initial claim for extended benefits in an extended
21 benefit period, as defined in paragraph 1 of subsection
22 A, under the Interstate Benefit Payment Plan unless there
23 also exists an extended benefit period, as defined in
24 paragraph 1 of subsection A, in the state where such
25 claim is filed. Such maximum eligibility shall continue
26 as long as the individual continues to file his claim
27 under the Interstate Benefit Payment Plan,
28 notwithstanding that the individual moves to another
29 state where an extended benefit period exists and files
30 for weeks prior to his initial Interstate claim in that
31 state.

32 5. To assure full tax credit to the employers of
33 this state against the tax imposed by the Federal
34 Unemployment Tax Act, the Director shall take any action

1 or issue any regulations necessary in the administration
2 of this subsection to insure that its provisions are so
3 interpreted and applied as to meet the requirements of
4 such Federal Act as interpreted by the United States
5 Secretary of Labor or other appropriate Federal agency.

6 K. 1. Notwithstanding any other provisions of this Act,
7 an individual shall be ineligible for the payment of
8 extended benefits for any week of unemployment in his
9 eligibility period if the Director finds that during such
10 period:

11 a. he failed to accept any offer of suitable
12 work (as defined in paragraph 3 below) or failed to
13 apply for any suitable work to which he was referred
14 by the Director; or

15 b. he failed to actively engage in seeking
16 work as prescribed under paragraph 5 below.

17 2. Any individual who has been found ineligible for
18 extended benefits by reason of the provisions of
19 paragraph 1 of this subsection shall be denied benefits
20 beginning with the first day of the week in which such
21 failure has occurred and until he has been employed in
22 each of 4 subsequent weeks (whether or not consecutive)
23 and has earned remuneration equal to at least 4 times his
24 weekly benefit amount.

25 3. For purposes of this subsection only, the term
26 "suitable work" means, with respect to any individual,
27 any work which is within such individual's capabilities,
28 provided, however, that the gross average weekly
29 remuneration payable for the work must exceed the sum of:

30 a. the individual's extended weekly benefit
31 amount as determined under subsection E above plus

32 b. the amount, if any, of supplemental
33 unemployment benefits (as defined in Section
34 501(c)(17)(D) of the Internal Revenue Code of 1954)

1 payable to such individual for such week; and
2 further,

3 c. pays wages not less than the higher of --

4 (i) the minimum wage provided by Section
5 6 (a)(1) of the Fair Labor Standards Act of
6 1938, without regard to any exemption; or

7 (ii) the applicable state or local
8 minimum wage;

9 d. provided, however, that no individual shall
10 be denied extended benefits for failure to accept an
11 offer of or apply for any job which meets the
12 definition of suitability as described above if:

13 (i) the position was not offered to such
14 individual in writing or was not listed with
15 the employment service;

16 (ii) such failure could not result in a
17 denial of benefits under the definition of
18 suitable work for regular benefits claimants in
19 Section 603 to the extent that the criteria of
20 suitability in that Section are not
21 inconsistent with the provisions of this
22 paragraph 3;

23 (iii) the individual furnishes
24 satisfactory evidence to the Director that his
25 prospects for obtaining work in his customary
26 occupation within a reasonably short period are
27 good. If such evidence is deemed satisfactory
28 for this purpose, the determination of whether
29 any work is suitable with respect to such
30 individual shall be made in accordance with the
31 definition of suitable work for regular
32 benefits in Section 603 without regard to the
33 definition specified by this paragraph.

34 4. Notwithstanding the provisions of paragraph 3 to

1 the contrary, no work shall be deemed to be suitable work
2 for an individual which does not accord with the labor
3 standard provisions required by Section 3304(a)(5) of the
4 Internal Revenue Code of 1954 and set forth herein under
5 Section 603 of this Act.

6 5. For the purposes of subparagraph b of paragraph
7 1, an individual shall be treated as actively engaged in
8 seeking work during any week if --

9 a. the individual has engaged in a systematic
10 and sustained effort to obtain work during such
11 week, and

12 b. the individual furnishes tangible evidence
13 that he has engaged in such effort during such week.

14 6. The employment service shall refer any
15 individual entitled to extended benefits under this Act
16 to any suitable work which meets the criteria prescribed
17 in paragraph 3.

18 7. Notwithstanding any other provision of this Act,
19 an individual shall not be eligible to receive extended
20 benefits, otherwise payable under this Section, with
21 respect to any week of unemployment in his eligibility
22 period if such individual has been held ineligible for
23 benefits under the provisions of Sections 601, 602 or 603
24 of this Act until such individual had requalified for
25 such benefits by returning to employment and satisfying
26 the monetary requalification provision by earning at
27 least his weekly benefit amount.

28 8. This subsection shall be effective for weeks
29 beginning on or after March 31, 1981, and before March 7,
30 1993, and for weeks beginning on or after January 1,
31 1995.

32 L. Notwithstanding any other provision of this Act to
33 the contrary, the Governor may require, by Executive Order,
34 that an individual who would otherwise be eligible for

1 benefits under this Section exhaust all entitlement to
2 benefits for which he or she is eligible under the federal
3 Temporary Unemployment Compensation Act of 2002 or any
4 similar federal law prior to receiving any benefits for which
5 he or she might otherwise be eligible under this Section.

6 M. If, pursuant to subdivision 2(b) of subsection A of
7 this Section, there is an "on" indicator for the week in
8 which this amendatory Act of the 93rd General Assembly takes
9 effect, this Section shall be applied as though that week is
10 the first week for which there is an "on" indicator pursuant
11 to subdivision 2(b) of subsection A of this Section.

12 (Source: P.A. 86-3; 87-1266.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.